Case 19-53516-jwc Doc 2 Filed 03/04/19 Entered 03/04/19 15:14:49 Desc Main Document Fill in this information to identify your case Debtor 1 LaToya Chanel Thomas First Name Middle Name Last Name Debtor 2 Middle Name Last Name (Spouse, if filing) First Name Check if this is an amended plan, and United States Bankruptcy Court for the NORTHERN DISTRICT OF GEORGIA list below the sections of the plan that ATLANTA DIVISION have been changed. Amendments to sections not listed below will be ineffective even if set out later in this Case number: amended plan. (If known) **Chapter 13 Plan** NOTE: The United States Bankruptcy Court for the Northern District of Georgia adopted this form plan for use in Chapter 13 cases in the District pursuant to Federal Rule of Bankruptcy Procedure 3015.1. See Order Requiring Local Form for Chapter 13 Plans and Establishing Related Procedures, General Order No. 21-2017, available in the Clerk's Office and on the Bankruptcy Court's website, ganb.uscourts.gov. As used in this plan, "Chapter 13 General Order" means General Order No. 21-2017 as it may from time to time be amended or superseded. Notices Part 1: To Debtor(s): This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances. Plans that do not comply with the United States Bankruptcy Code, local rules and judicial rulings may not be confirmable. In the following notice to creditors, you must check each box that applies. **To Creditors:** Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. Check if applicable. The plan provides for the payment of a domestic support obligation (as defined in 11 U.S.C. § 101(14A)), set out in § You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless the Bankruptcy Court orders otherwise. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. To receive payments under this plan, you must have an allowed claim. If you file a timely proof of claim, your claim is deemed allowed unless a party in interest objects. See 11 U.S.C. § 502(a). The amounts listed for claims in this plan are estimates by the debtor(s). An allowed proof of claim will be controlling, unless the Bankruptcy Court orders otherwise. The following matters may be of particular importance. Debtor(s) must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not included," if both boxes are checked, or if no box is checked, the provision will be ineffective even if set out later in the plan. A limit on the amount of a secured claim, that may result in a partial payment or no § 1.1 ✓ Included Not Included payment at all to the secured creditor, set out in § 3.2

 § 1.1
 A limit on the amount of a secured claim, that may result in a partial payment or no payment at all to the secured creditor, set out in § 3.2
 ☑ Included

 § 1.2
 Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in § 3.4
 ☑ Included
 ☑ Not Included

 § 1.3
 Nonstandard provisions, set out in Part 8.
 ☑ Included
 ☑ Not Included

Part 2: Plan Payments and Length of Plan; Disbursement of Funds by Trustee to Holders of Allowed Claims

§ 2.1 Regular Payments to the trustee; applicable commitment period.

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	The app	plicable commitment period for the debtor(s) as set forth in 11 U.S.C. § 1325(b)(4) is:
	Chec	k one: \checkmark 36 months \bigcirc 60 months
	Debtor	(s) will make regular payments ("Regular Payments") to the trustee as follows:
Regular Bankruj	Payment otcy Cour	I pay §550.00 per Month for the applicable commitment period. If the applicable commitment period is 36 months, additional is will be made to the extent necessary to make the payments to creditors specified in this plan, not to exceed 60 months unless the torders otherwise. If all allowed claims treated in § 5.1 of this plan are paid in full prior to the expiration of the applicable od, no further Regular Payments will be made.
The		ole. If the Regular Payment will change as follows (If this box is not checked, the rest of § 2.1 need not be completed or reproduced. nal lines as needed for more changes.):
§ 2.2	Regula	ar Payments; method of payment.
	Regula	r Payments to the trustee will be made from future income in the following manner:
	Check d ✓	all that apply: Debtor(s) will make payments pursuant to a payroll deduction order. If a deduction does not occur, the debtor(s) will pay to the trustee the amount that should have been deducted.
		Debtor(s) will make payments directly to the trustee.
		Other (specify method of payment):
§ 2.3	Income	e tax refunds.
	Check o	one.
		Debtor(s) will retain any income tax refunds received during the pendency of the case.
	✓	Debtor(s) will (1) supply the trustee with a copy of each income tax return filed during the pendency of the case within 30 days of filing the return and (2) turn over to the trustee, within 30 days of the receipt of any income tax refund during the applicable commitment period for tax years
		Debtor(s) will treat tax refunds ("Tax Refunds") as follows:
§ 2.4	Additio	onal Payments.
	Check o	one.
	✓	None. If "None" is checked, the rest of § 2.4 need not be completed or reproduced.
§ 2.5	[Intent	ionally omitted.]
§ 2.6	Disbur	sement of funds by trustee to holders of allowed claims.
		bursements before confirmation of plan. The trustee will make preconfirmation adequate protection payments to holders of owed claims as set forth in §§ 3.2 and 3.3.
		bursements after confirmation of plan. Upon confirmation, after payment of the trustee's statutory fee, the trustee will disburse gular Payments, Additional Payments, and Tax Refunds that are available for disbursement to make payments to holders of allowed

claims as follows:

Debtor

LaToya Chanel Thomas

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- (1) First disbursement after confirmation of Regular Payments. In the first disbursement after confirmation, the trustee will disburse all available funds from Regular Payments in the following order:
 - (A) To pay any unpaid preconfirmation adequate protection payments required by 11 U.S.C. § 1326(a)(1)(C) as set forth in § 3.2, § 3.3, and orders of the Bankruptcy Court;
 - (B) To pay fees, expenses, and costs of the attorney for the debtor(s) as set forth in § 4.3;
 - (C) To make payments pro rata based on the monthly payment amount: on secured claims as set forth in §§ 3.1, 3.2, 3.3, and 3.4; on domestic support obligations as set forth in § 4.4; on the arrearage claims on nonpriority unsecured claims as set forth in § 5.2; and on executory contracts and unexpired leases as set forth in § 6.1; and
 - (D) To pay claims in the order set forth in § 2.6(b)(3).
- (2) Second and subsequent disbursement after confirmation of Regular Payments. In the second disbursement after confirmation, and each month thereafter, the trustee will disburse all available funds from Regular Payments in the order below. All available Regular Payments will be distributed to the claims in each paragraph until such claims are paid in full.
 - (A) To make concurrent monthly payments, including any amount past due under this plan: on secured claims as set forth in §§ 3.1, 3.2, 3.3, and 3.4; on fees, expenses, and costs of the attorney for the debtor(s) as set forth in § 4.3; on domestic support obligations as set forth in § 4.4; on the arrearage claims on both nonpriority unsecured claims as set forth in § 5.2 and executory contracts and unexpired leases as set forth in § 6.1;
 - (B) To make pro rata payments on administrative expenses allowed under 11 U.S.C. § 503(b) other than the trustee's fee and the debtor's attorney's fees, expenses, and costs; and
 - (C) To pay claims in the order set forth in § 2.6(b)(3).
- (3) **Disbursement of Additional Payments and Tax Refunds.** The trustee will disburse the Additional Payments and Tax Refunds in the following order:
 - (A) To pay fees, expenses, and costs of the attorney for the debtor(s) as set forth in § 4.3;
 - (B) To make pro rata payments on administrative expenses allowed under 11 U.S.C. § 503(b) other than the trustee's fee and the debtor's attorney's fees, expenses, and costs;
 - (C) To make payments pro rata based on the monthly payment amount: on secured claims as set forth in §§ 3.1, 3.2, 3.3, and 3.4; on domestic support obligations as set forth in § 4.4; on the arrearage claims on both nonpriority unsecured claims as set forth in § 5.2 and executory contracts and unexpired leases as set forth in § 6.1;
 - (D) To pay other Allowed Secured Claims as set forth in § 3.6;
 - (E) To pay allowed claims entitled to priority under 11 U.S.C. § 507, other than administrative expenses and domestic support obligations; and
 - (F) To pay nonpriority unsecured claims not otherwise classified as set forth in § 5.1 ("Unclassified Claims") and to pay nonpriority unsecured claims separately classified as set forth in § 5.3 ("Classified Claims"). The trustee will estimate the total amounts to be disbursed during the plan term (1) to pay Unclassified Claims and (2) to pay Classified Claims. Funds available for disbursement on these claims will be allocated pro rata to each class, and the funds available for disbursement for each class will be paid pro rata to the creditors in the class.
- (4) Unless the debtor(s) timely advise(s) the trustee in writing, the trustee may treat and disburse any payments received from the debtor(s) as Regular Payments.

Part 3:	Treatment of Secured Claims

§ 3.1 Maintenance of payments and cure of default, if any.

Check one.

None. If "None" is checked, the rest of § 3.1 need not be completed or reproduced. Beginning with the first payment that is due after the date of the order for relief und

Beginning with the first payment that is due after the date of the order for relief under Chapter 13, the debtor(s) will maintain the current contractual installment payments on the secured claims listed below, with any changes required by the applicable

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contract and noticed in conformity with any applicable rules. These payments will be disbursed directly by the debtor(s). Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee, with interest, if any, at the rate stated below.

If relief from the automatic stay is ordered as to any item of collateral listed in this paragraph, then, unless the Bankruptcy Court orders otherwise, all payments under this paragraph as to that collateral will cease, and all secured claims based on that collateral

will no longer be treated by the plan.

Name of creditor	Collateral	Estimated amount of arrearage (if any)	Interest rate on arrearage (if applicable)	Monthly plan payment on arrearage
Mr. Cooper	161 Pristine Drive Locust Grove, GA 30248 Henry County	\$ 8,500.00	<u>0.00</u> %	\$50.00 increasing to \$200.00 beginning January 2021
Prestine Forest HOA	161 Pristine Drive Locust Grove, GA 30248 Henry County	\$ <u>0.00</u>	<u>0.00</u> %	\$ <u>0.00</u>

§ 3.2	Request for va	lustion of security	navment of fully	secured claims	and modification o	f undersecured claims.
3 3.2	request for va	iuanon oi security,	payment or runy	secure ciamis,	ana mounicanon o	i unuci secui cu cianns.

None. If "None" is checked, the rest of § 3.2 need not be completed or reproduced.
The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.

The debtor(s) request(s) that the Bankruptcy Court determine the value of the secured claims listed below.

For each non-governmental secured claim listed below, the debtor(s) state(s) that the value of the secured claim should be as set out in the column headed *Amount of secured claim*. For secured claims of governmental units, unless the Bankruptcy Court orders otherwise, the value of a secured claim listed in a proof of claim filed in accordance with the Bankruptcy Rules controls over any contrary amount listed below. For each creditor checked below, debtor(s) will file a motion pursuant to Bankruptcy Rule 3012 and the Chapter 13 General Order to request determination of the amount of the secured claim.

For each listed claim below, the value of the secured claim will be paid in full with interest at the rate stated below. The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan. If the amount of a creditor's secured claim is listed below as having no value, the creditor's allowed claim will be treated in its entirety as an unsecured claim under Part 5 of this plan.

The trustee will make monthly preconfirmation adequate protection payments that 11 U.S.C. § 1326(a)(1)(C) requires to the creditor in the amount set out in the column headed *Monthly preconfirmation adequate protection payment*.

The holder of any claim listed below as having value in the column headed *Amount of secured claim* will retain the lien on the property interest of the debtor(s) or the estate(s) until the earlier of:

(a) payment of the underlying debt determined under nonbankruptcy law, or

(b) payment of the amount of the secured claim, with interest at the rate set forth below, and discharge of the underlying debt under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor.

Check only if	Name of creditor		Collateral and date of	Value of collateral		_	Monthly pre- confirmation	Monthly post -confirmation
motion		total claim	purchase		senior to	claim	adequate	payment
to be					creditor's		protection	
filed					claim		payment	

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Check	Name of creditor	Estimated	Collateral	Value of	Amount of	Amount of	Interest	Monthly pre-	Monthly post
only if		amount of	and date of	collateral	claims	secured	rate	confirmation	-confirmation
motion		total claim	purchase		senior to	claim		adequate	payment
to be					creditor's			protection	
filed					claim			payment	
	Capital One Auto Finance,		2015 Nissan Altima 70000 miles			\$ <u>10,925.0</u>	6.00%	\$1 50.00	\$150.00 increasing to \$300.00 beginning
	Inc	\$ <u>18,300.00</u>	2013	\$ <u>10,925.00</u>	\$ <u>0.00</u>	_	313070	+ 100.00	January 2021

§ 3.3 Secured claims excluded from 11 U.S.C. § 506.

Check	one.

None. If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

The claims listed below were either:

- (1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or
- (2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full under the plan with interest at the rate stated below. These payments will be disbursed by the trustee.

The trustee will make monthly preconfirmation adequate protection payments that 11 U.S.C. § 1326(a)(1)(C) requires to the creditor in the amount set out in the column headed *Monthly preconfirmation adequate protection payment*.

The holder of any claim listed below will retain the lien on the property interest of the debtor(s) or the estate(s) until the earlier of:

- (a) payment of the underlying debt determined under nonbankruptcy law, or
- (b) payment of the amount of the secured claim, with interest at the rate set forth below, and discharge of the underlying debt under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor.

N	Jame of Creditor	Collateral	Purchase date	Estimated amount of claim		preconfirmation	Monthly postconfirmation payment to creditor by trustee
C	onns	refrigerator	11/2018	\$ <u>1,800.00</u>	<u>4.00</u> %	\$ <u>50.00</u>	\$50.00

§ 3.4 Lien avoidance.

√

Check one.

None. If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.

The judicial liens and/or nonpossessory, nonpurchase money security interests securing the claims listed below impair exemptions to which the debtor(s) would have been entitled under 11 U.S.C. § 522(b). Unless the Bankruptcy Court orders otherwise, a judicial lien or security interest securing a claim listed below will be avoided to the extent that it impairs such exemptions upon entry of the order confirming the plan. The amount of the claim secured by the judicial lien or security interest that is avoided will be treated as an unsecured claim in Part 5 to the extent allowed. The amount, if any, of the claim secured by the judicial lien or security interest that is not avoided will be paid in full as a secured claim under the plan to the extent allowed. See 11 U.S.C. § 522(f) and Bankruptcy Rule 4003(d). If more than one lien is to be avoided, provide the information separately for each lien.

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Information regarding judicial lien or security interest	Calculation of lien avoidance		Treatment of remaining secured claim
Name of creditor	a. Amount of lien	\$ 2,556.15	Amount of secured claim after avoidance (line a minus line f)
Americredit Financial Services, Inc.	b. Amount of all other liens	\$ 202,583.00	\$
	c. Value of claimed exemptions	\$ _26,225.00	
Collateral Various Pre-bankruptcy Services	d. Total of adding lines a, b, and c	\$ 231,364.15	Interest rate (if applicable) %
	e. Value of debtor's interest in property	\$ 193,850.00	
Lien identification (such as judgment date, date of lien recording)			
Judgment Lien	f. Subtract line e from line d.	\$ 37,514.15	Monthly payment on secured claim
01/09/2019			\$

§ 3.5 Surrender of collateral.

Check one.

None. *If* "None" is checked, the rest of § 3.5 need not be completed or reproduced.

§ 3.6 Other Allowed Secured Claims.

If the Bankruptcy Court determines the value of the secured claim, the portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan.

The holder of the claim will retain the lien on the property interest of the debtor(s) or the estate(s) until the earlier of:

- (a) payment of the underlying debt determined under nonbankruptcy law, or
- (b) payment of the amount of the secured claim, with interest at the rate set forth above, and discharge of the underlying debt under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor.

Part 4: Treatment of Fees and Priority Claims

§ 4.1 General.

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Trustee's fees and all allowed priority claims will be paid in full without postpetition interest. An allowed priority claim will be paid in full regardless of whether it is listed in § 4.4.

§ 4.2 Trustee's fees.

Trustee's fees are governed by statute and may change during the course of the case.

§ 4.3 Attorney's fees.

- (a) The unpaid fees, expenses, and costs owed to the attorney for the debtor(s) in connection with legal representation in this case are \$_5,000.00 . The allowance and payment of the fees, expenses and costs of the attorney for the debtor(s) are governed by General Order 22-2017 ("Chapter 13 Attorney's Fees Order"), as it may be amended.
- (b) Upon confirmation of the plan, the unpaid amount shall be allowed as an administrative expense under 11 U.S.C. § 503(b) to the extent set forth in the Chapter 13 Attorney's Fees Order.
- (c) The Bankruptcy Court may allow additional fees, expenses, and costs to the attorney for debtor(s) in excess of the amount shown in § 4.3(a) above upon application of the attorney in compliance with the Chapter 13 Attorney's Fees Order and after notice and a hearing.
- (d) From the first disbursement after confirmation, the attorney will receive payment under § 2.6(b)(1) up to the allowed amount set forth in § 4.3(a).
- (e) The unpaid balance and any additional amounts allowed under § 4.3(c) will be payable (1) at \$___**260.00**__ per month from Regular Payments and (2) from Tax Refunds or Additional Payments, as set forth in § 2.6, until all allowed amounts are paid in full.

- (h) If the case is converted to Chapter 7 after confirmation of the plan, the debtor(s) direct(s) the trustee to deliver to the attorney for the debtor(s), from the funds available, any allowed fees, expenses, and costs that are unpaid.
- (i) If the case is dismissed after confirmation of the plan, the trustee will pay to the attorney for the debtor(s), from the funds available, any allowed fees, expenses, and costs that are unpaid.

§ 4.4 Priority claims other than attorney's fees.

None. If	"None" i	s checked,	the rest	of § 4.4 n	eed not be	completed	or reproduced.

(a) Check one.

The debtor(s) has/have no domestic support obligations. If this box is checked, the rest of § 4.4(a) need not be completed or reproduced.

(b) The debtor(s) has/have priority claims other than attorney's fees and domestic support obligations as set forth below:

Name of creditor	Estimated amount of claim
Georgia Department of Revenue	\$0.00
IRS	\$0.00

Part 5: Treatment of Nonpriority Unsecured Claims

§ 5.1 Nonpriority unsecured claims not separately classified.

Debtor	<u>_ I</u>	_aToya Chanel	Thomas		Case number			
	Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata, as set forth in § 2.6. Holders of these claims will receive:							
	Check one.							
	✓ A pro rata portion of the funds remaining after disbursements have been made to all other creditors provided for in this plan.							
		o rata portion of s provided for in		m of \$ and (2) the funds remaining after disbursements have been made to all other				
	The larger of (1)% of the allowed amount of the claim and (2) a pro rata portion of the funds remaining after disbursen been made to all other creditors provided for in this plan.							
	<u> </u>	% of the total amo	ount of these claims.	claims.				
	filed an	Unless the plan provides to pay 100% of these claims, the actual amount that a holder receives will depend on (1) the amount of claims filed and allowed and (2) the amounts necessary to pay secured claims under Part 3 and trustee's fees, costs, and expenses of the attorney for the debtor(s), and other priority claims under Part 4.						
§ 5.2	Mainte	nance of paymer	nts and cure of any defa	ault on nonpriority unsecur	red claims.			
	Check o	one.						
	✓	None. If "None	" is checked, the rest of	§ 5.2 need not be completed	or reproduced.			
§ 5.3	Other s	eparately classif	ied nonpriority unsecu	red claims.				
	Check o	Check one.						
	√	None. If "None	" is checked, the rest of	§ 5.3 need not be completed	or reproduced.			
Part 6:	_		nd Unexpired Leases	·	•			
§ 6.1								
	Check o	one.						
	None. If "None" is checked, the rest of § 6.1 need not be completed or reproduced. Assumed items. Current installment payments will be disbursed directly by the debtor(s). Arrearage payments will be disbursed by the trustee. The final column includes only payments disbursed by the trustee rather than by the debtor(s).							
Name o	of credito	r:	Description of leased part on tract	property or executory	Estimated amount of arrearage	Monthly postconfirmation payment to cure arrearage		
PMB R	entals		Lease		\$0.00			
Part 7:	Vestin	g of Property of	the Estate					
§ 7.1	Unless the Bankruptcy Court orders otherwise, property of the estate shall not vest in the debtor(s) on confirmation but will vest in the debtor(s) only upon: (1) discharge of the debtor(s); (2) dismissal of the case; or (3) closing of the case without a discharge upon the completion of payments by the debtor(s).							
Part 8:	Nonstandard Plan Provisions							
§ 8.1	Check "None" or List Nonstandard Plan Provisions.							
	None. If "None" is checked, the rest of Part 8 need not be completed or reproduced.							
Part 9:								
§ 9.1	Signatures of Debtor(s) and Attorney for Debtor(s).							

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Del	btor LaToya Chanel Thomas	Case number		
	The debtor(s) must sign below. The attorney for the de	ebtor(s), if any, must sign below.		
X	/s/ LaToya Chanel Thomas	X		
	LaToya Chanel Thomas	Signature of debtor 2 executed on	_	
	Signature of debtor 1 executed on March 1, 2019		_	
X	/s/ Celia R. Washington, GA Bar No. Celia R. Washington, GA Bar No. 044108 Signature of attorney for debtor(s)	Date: March 1, 2019		
	Clark & Washington, LLC 3300 NE Expressway Building 3 Atlanta, GA 30341			
	(404) 522-2222			
	(770) 220-0685 - fay			

By filing this document, the debtor(s), if not represented by an attorney, or the attorney for debtor(s) also certify(ies) that the wording and order of the provisions in this Chapter 13 Plan are identical to those contained in the Local Form for Chapter 13 Plans that the Bankruptcy Court for the Northern District of Georgia has prescribed, other than any nonstandard provisions included in Part 8.